REGULATION No. XI OF 1894.

The Mysore Inventions and Designs Regulation.

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REGULATION No. XI OF 1894.

(PASSED ON THE 26TH DAY OF NOVEMBER 1894.)

A Regulation relating to the Protection of Inventions and Designs.

Whereas it is expedient to provide a law for the protection of inventions and designs; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Mysore Inventions and Designs Regulation, 1894;

(2) It shall extend to the whole of the territories of Mysore; and

(3) It shall come into force from the date of its publication in the *Mysore Gazette*.

Repeal.

2. The enactment described in the first schedule is hereby repealed to the extent specified in the third column thereof.

Division of Regulation into Parts.

3. The remainder of this Regulation is divided into Parts, as follows—

PART I. INVENTIONS, PART II. DESIGNS.

PART I.—INVENTIONS.

Definitions.

4. In this Part, unless there is something repugnant in the subject or context,—

(1) "invention" includes an improvement:

(2) "inventor" does not include the importer into the territories of Mysore of a new invention unless he is the actual inventor:

(3) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not:

(4) "assign" includes a grantee of the exclusive privilege of making, selling, or using an invention, or of authorizing others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term:

(5) "inventor," "actual inventor," and "applicant" include the executors, administrators, or assigns of an inventor, actual inventor, and applicant, as the case may be:

(6) "manufacture" includes any art, process, or manner of producing, preparing, or making an article, and also any article repared or produced by manufacture:

(7) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance:

(8) "Chief Sercetary" means the Chief Secretary to the Government of Mysore appointed by that Government to discharge the functions of the Chief Secretary under this Regulation, and includes any Under-Secretary, Assistant Secretary or other officer subordinate to the Government of Mysore to the extent to which such officer may be authorized by general or special order of the Government of Mysore to discharge any of those functions:

(9) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure: and

(10) "Chief Court" has the meaning assigned to that expression by the Mysore Chief Court Regulation, No. I of 1884.

Application for leave to file specification.

5. (1) The inventor of a new manufacture may apply to the Government of Mysore for leave to file a specification thereof.

(2) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom or acquired an exclusive privilege in British India, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom or acquired an exclusive privilege in British India.

(3) It must state the name, occupation, and address of the applicant, and, where a patent has been obtained in the United Kingdom or an exclusive privilege acquired in British India, the date of the patent and the date of the actual sealing thereof, or the date of the acquisition of the exclusive privilege, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Government of Mysore may see fit to require from the applicant.

(4) If in any case it appears to the Government of Mysore that an application ought to be further supplemented by a model of anything alleged to constitute an invention, it may require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

Order to file specification.

6. (1) Upon an application under the last foregoing section, the Government of Mysore may, after such inquiry as it thinks fit, make an order authorizing the applicant to file a specification of the invention.

(2) Before making an order under sub-section (1), the Government of Mysore may direct that the application be referred for inquiry and report to any person whom it thinks fit.

(3) When such inquiry and report are made by a person who is not in the service of the Government of Mysore, there shall be payable to that person by the applicant such fee as the Government of Mysore, after considering the report, may determine.

(4) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Government of Mysore may by rule or otherwise prescribe, such sum as will, in the opinion of the Chief Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (3).

(5) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(6) If the fee as determined by the Government of Mysore exceeds the sum so deposited, an order shall not be made under sub-section (1) until the applicant has paid the balance of the fee.

(7) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

Applications in respect of contemporaneous inventions.

7. (1) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Government of Mysore to be identical or so similar as to be practically identical, the Government of Mysore may, in its discretion, authorize both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(2) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall be deemed to have a preferential claim to an order authorizing the filing of his specification.

Acquisition and continuance of exclusive privilege.

8. (1) If within six months from the date of an order under section 6, sub-section (1), or within such further time, not exceeding three months, as the Government of Mysore, in its discretion, may, on cause shown to its satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in

the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling, and using the invention in the territories of Mysore, and of authorizing others so to do, for a term of fourteen years from the date of the filing of the specification.

(2) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease, if the inventor fails to pay, within the time limited in that behalf by the fourth schedule, any fee prescribed in that schedule in respect of the continuance of the privilege.

(3) If, nevertheless, in any case, by accident, mistake, or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Government of Mysore for an enlargement of the time for making the payment.

(4) Thereupon the Government of Mysore may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule, and subject to the following conditions, namely:—

(*a*) the time for making a payment shall not in any case be enlarged for more than three months; and

(*b*) if any suit is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

Form and contents of specification.

9. (1) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(2) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(3) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

Sections 10-13.

Mode of filing application and specification.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Chief Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

Delivery and distribution of copies of specification.

11. (1) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Chief Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(2) One of these copies shall be retained by the Chief Secretary, and the others shall be sent to such authorities as the Government of Mysore may appoint in this behalf.

(3) The copies of the specification which are sent under sub-section (2) to the authorities mentioned shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

Register of inventions.

12. (1) A book, to be called the register of inventions shall be kept in the office of the Chief Secretary, wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(2) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt and shall be entered in the register of inventions in the order of their respective numbers.

(3) A reference shall be made in that register, in the margin of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

Address-book.

13. (1) Another book, to be called the Address-Book, shall be kept in the office of the Chief Secretary, wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested, may from time to time cause to be stated some place in the territories of Mysore where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(2) A reference to each entry in the address-book shall be made in the register of inventions in the margin of the entry in that register of the application for leave to file the specification.

Provisions with respect to the register and book.

14. Every entry in the register of inventions or address-book, and every document entered and recorded in the register shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document, and shall be open to the inspection of any person at all reasonable times at the office of the Chief Secretary.

Extension of exclusive privilege.

15. (1) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege acquired under section 8, apply to the Government of Mysore for an extension of the privilege for a further term.

(2) When an application is made under sub-section (1), the Government of Mysore may, if it thinks fit, refer it to the Chief Court for report.

(3) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(4) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(5) If the Government of Mysore is of opinion, or, where a reference has been made under sub-section (2), if the Court reports, that the inventor has been inadequately remunerated by his exclusive privilege, the Government of Mysore may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven, or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(6) But an exclusive privilege of which the term has been extended under the last foregoing sub-section, shall, notwithstanding anything in that sub-section, cease if the inventor fails

to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

Imposition of conditions with respect to exclusive privilege.

16. An order under section 6, sub-section (1), authorizing the filing of a specification, or under section 15, sub-section (5), extending the term of an exclusive privilege, may be made subject to such conditions as the Government of Mysore thinks expedient.

Exclusive privilege to bind the Government.

17. (1) Subject to any conditions imposed under the last foregoing section—

(*a*) with respect to the filing, by a person employed in the service of the Government of Mysore, of the specification of a manufacture invented by him in the course of his employment, or

(*b*) with respect to the extension, in favor of any person, of the term of an exclusive privilege,

an exclusive privilege acquired under this Part shall have to all intents the like effect as against the Government of Mysore as it has against a subject.

(2) But the officers or authorities administering any department of the service of the Government of Mysore may, by themselves, their agents, contractors, or others, at any time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Government of Mysore, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Government of Mysore.

Application for leave to file memorandum or amended specification.

18. (1) If, after the filing of the specification, the applicant has reason to believe that through mistake or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the Government of Mysore for leave to file a memorandum pointing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2) The application must be in writing signed by the applicant, and must state how the error, defect, or insufficiency occurred and that it was not fraudulently intended.

(3) Upon the application the Government of Mysore may make an order allowing the memorandum or amended specification to be filed.

(4) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

Effect of amended specification.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed:

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

Bar to exclusive privilege in certain cases.

20. A person shall not be entitled to an exclusive privilege under this Part—

(*a*) if the invention is of no utility, or

(*b*) if the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this Part, or

(*c*) if the applicant is not the inventor thereof, or

(*d*) if the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

(*f*) if the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of the territories of Mysore.

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not, before the date of the delivery or receipt of the application for leave to file the specification thereof, been publicly used in any part of the territories of Mysore or of British India or of the United Kingdom, or been made publicly known in any part of the territories of Mysore or of British India or of the United Kingdom, by means of a written publication.

Effect of public use or knowledge of invention in fraud of inventor.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor or has been communicated to the public in fraud of the inventor or in breach of confidence:

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

Effect of temporary use of invention in public by inventor or by his leave.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

Effect of public use or knowledge of patented invention between application for patent and application to file specification.

24. If an inventor who has obtained a patent for his invention in the United Kingdom or acquired an exclusive privilege in British India causes an application for leave to file a specification of the invention under this Part to be delivered to or received by the Chief Secretary within twelve months from the date of the actual sealing of the patent, or the acquisition of an exclusive privilege, the invention shall be deemed a new invention within the meaning of this Part if it was not publicly used or known in any part of the territories of Mysore at or before the date of the application for the patent or the exclusive privilege, notwithstanding that it may have been publicly used or known in some part of the territories of Mysore or of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

Effect of like public use or knowledge of unpatented invention.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent or exclusive privilege is pending in the United Kingdom or British India, and the interval between the date of his application for the patent or exclusive privilege and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of the territories of Mysore or of British India or of the United Kingdon during the interval.

Effect of public use or knowledge of invention after admission to an exhibition.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Government of Mysore causes an application for leave to file a specification of the invention to be delivered to or received by the Chief Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

Cessation of exclusive privilege by order of the Government.

27. (1) An exclusive privilege acquired under this Part shall cease if the Government of Mysore declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

(2) It shall also cease if a breach of any condition on which the applicant was authorized to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to the Chief Court proved to the satisfaction of that Court, and if the Government of Mysore thereupon declares the privilege to have ceased.

Cessation of exclusive privilege on revocation or expiration of patent.

28. (1) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom or an exclusive privilege acquired in British India, shall cease on the revocation or expiration of the patent or exclusive privilege.

(2) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom or an exclusive privilege acquired in British India, shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

Suit for infringement of exclusive privilege.

29. (1) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him under this Part in respect of an invention, makes, sells, or uses the invention without his license, or counterfeits or imitates it.

(2) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility:

(3) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell, or use the invention, or to counterfeit or imitate it, as the case may be:

(4) Nor shall it be defended upon the ground that the invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some part of the territories of Mysore or of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

Application to declare exclusive privilege in respect of an invention not to have been acquired.

30. Any person may apply to the Chief Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that the invention is of no utility, or

(*b*) that the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor thereof, or

(*d*) that the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) that the applicant has knowingly or fraudulently included in the application for leave to file the specification or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor, or

(*f*) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or

(*g*) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

Like application as to part of an invention.

31. Any person may apply to the Chief Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of any part of an invention, to be specified in

the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that that part of the invention is wholly distinct from the other parts thereof and is of no utility, or

(*b*) that that part of the invention was not, at the date of the delivery of receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor of that part of the invention, or

(*d*) that that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

Security for costs of application under either of the two last foregoing sections

32. The Chief Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule.

Application on breach of condition.

33. (1) Any person authorized by the Government of Mysore in this behalf may apply to the Chief Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Government of Mysore, depend, should not be tried in the form of an issue directed by the Court.

(2) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried, and certify the result of trial to the Government of Mysore.

Notice of proceedings to persons interested.

34. (1) Notice of any rule obtained or proceeding taken under section 30, section 31 or section 33 shall be served on all persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering the copy to any person resident at or in charge of the place, or, if there is no person resident at or in charge of the place, or if the place is not within the local limits of

the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

Framing issue for trial before other Court.

35. (1) The Chief Court may, if it thinks fit, direct an issue for the trial, before itself or any District Court, of any question of fact arising upon an application under section 30, section 31 or section 33, and the issue shall be tried accordingly.

(2) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(3) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the Chief Court, and the Chief Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Order on application.

36. (1) If it appears to the Chief Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2) If it appears to the Chief Court, at the hearing of any such application as last aforesaid, that the applicant has, in the description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect or insufficiency: or

(3) If it appears to the Chief Court that the error, defect or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective or insufficient; and thereupon

the applicant shall, within a time to be limited by the Court for the purpose, file in the office of the Chief Secretary a specification amended according to the order.

(4) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

Delivery of particulars.

37. (1) In a suit for the infringement of an exclusive privilege acquired under this Part, the plaintiff shall deliver with his plaint particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2) In like manner, upon an application to the Chief Court under section 30, section 31 or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(4) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

Title of actual inventor to exclusive privilege in case of fraud.

38. If, in a suit instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor, and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtaind by himself or by some other person surreptitiously or in fraud of the actual inventor or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the applicant to pay.

Transmission of copies of decrees and orders to the Chief Secretary.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31 or section 33, shall send a copy of the decree or order, as the case may be, to the Chief Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

40. In the following cases, namely :—

Registration of cessation of exclusive privilege.

(*a*) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired;

(*b*) when an exclusive privilege acquired under this Part has been declared by the Government of Mysore under section 27 to have ceased;

(*c*) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege;

(*d*) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section;

(*e*) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38;

(*f*) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired;

the Chief Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

Rectification of register of inventionsor address-book.

41. (1) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to the Chief Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(2) A copy of the order shall be forwarded by the Court to the Chief Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(3) When the Chief Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Chief Secretary.

Power for Governmentto require grant of licenses.

42. If on the petition of any person interested it is proved to the Government of Mysore that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licenses on reasonable terms,—

(*a*) the exclusive privilege is not being worked in the territories of Mysore, or

(*b*) the reasonable requirements of the public with respect to the invention cannot be supplied, or

(*c*) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Government of Mysore may order the inventor to grant, or may itself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Government of Mysore, having regard to the nature of the invention and the circumstances of the case, may deem just.

Assignment for particular places.

43. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area, may, subject to the conditions of his title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

Subscription of specifications and applications.

44. If an applicant is absent from the territories of Mysore, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in the territories of Mysore authorized by him in writing in that behalf.

Verification of applications.

45. (1) An application under this Part for leave to file a specification, memorandum, or amended specification must be verified by the person making the application.

(2) If that person is absent from the territories of Mysore, the application may be verified by the agent who signs the application on his behalf.

(3) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

Agents.

46. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorized by this Part to be done by any person, may be done on his behalf by an agent in the territories of Mysore having authority in writing from that person so to do the act.

Fees.

47. (1) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(2) The Government of Mysore may, if it thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Government of Mysore directs.

(4) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

48. (1) The Government of Mysore may make such rules and prescribe such forms as it thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(2) Rules under this section may provide among other matters, for the printing of specifications, memoranda, and amended specifications, and for the distribution or sale of printed copies thereof.

PART II—DESIGNS.

Definitions.

49. In this Part, unless there is something repugnant in the subject or context,—

(1) "design" means some peculiar shape, configuration or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself:

(2) "copyright" means the exclusive right to apply a design to an article:

(3) the author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case that person shall be considered the "proprietor," and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to an article, either exclusively of any other person or otherwise, and also every person on whom the property in the design or the right to the application thereof shall devolve, shall be considered the "proprietor" of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise: and

(4) "Chief Secretary," "District Court" and "Chief Court" have the same meanings as in Part I.

Application for order for registration of design.

50. (1) Any person claiming to be the proprietor of any new and original design not previously published in the territories of Mysore, may apply to the Government of Mysore for an order for the registration of the design.

(2) The application must be in writing in the form or to the effect of the fifth schedule, and must contain a statement of the nature of the design, and be accompanied by as many copies of drawings, photographs or tracings thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(3) It must be left with, or sent by post to, the Chief Secretary, and the date of the delivery or receipt thereof in the office of the Chief Secretary shall be endorsed thereon and recorded in that office.

Registration in register of designs.

51. (1) Upon the application, the Government of Mysore may, after such inquiry as it thinks fit, make an order authorizing the registration of the design.

(2) When an order has been made under sub-section (1), the Chief Secretary shall cause the design to be registered in a book to be kept by him for the purpose and to be called the register of designs.

(3) The date of registration shall be recorded in the register.

Acquisition of copyright.

52. When a design is registered, the proprietor thereof shall, subject to the other provisions of this Part, have copyright in the design during five years from the date of registration.

Marking registered designs.

53. (1) Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall cause the article to be marked with the word "registered" either in full or in an abbreviated form.

(2) If he fails to cause the article to be so marked, the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Effect of exhibiting unregistered designs at exhibitions.

54. If the proprietor of a design exhibited at an industrial or international exhibition, certified as such by the Government of Mysore, causes an application for an order for the registration of the design to be delivered to or received by the Chief Secretary within six months from the date of the admission of the design into that exhibition, the design shall not be deemed not to be a new and original design not previously published in the territories of Mysore within the meaning of section 50 by reason only of the design having been exhibited at the exhibition.

Mutation of names in register of designs.

55. Any person in whom the copyright in a design has become vested may apply to the Chief Secretary for the entry of his name in the register of designs as proprietor of the copyright, and the Chief Secretary may, if he sees fit, cause the entry to be made.

Suit for infringement of copyright.

56. (1) The registered proprietor of a design may institute a suit in the District Court for the recovery of any damages arising from the application by any person to any article of the design or of any fraudulent or obvious imitation thereof for the purpose of sale, or from the publication, sale or exposure for sale

by any person of any article to which the design, or any fraudulent or obvious imitation thereof has been applied, that person knowing or having reason to believe that the proprietor had not given his consent to such application.

(2) When the Court makes a decree in a suit under this section, it shall send a copy of the decree to the Chief Secretary, who shall cause an entry thereof to be made in the register of designs.

Registration of cessation of copyright.

57. When, from the expiration of the term of a copyright or from any other cause, the copyright in a design has ceased, the Chief Secretary shall cause an entry with respect to the cessation of the right to be made in the register of designs.

Rectification of register of designs.

58. (1) The Chief Court may, on the application of any person aggrieved by an entry in the register of designs, or by the omission of an entry therefrom, make such order for the rectification of the register as it thinks fit.

(2) An order under sub-section (1) may declare copyright in a design not to have been acquired.

(3) A copy of the order shall be forwarded by the Court to the Chief Secretary, who shall cause an entry thereof to be made in the register of designs.

(4) When the Chief Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Chief Secretary.

Application to this Part of certain provisions of Part I.

59. The provisions of the following portions of the Part I, namely—

(*a*) section 11, with respect to copies of specifications,

(*b*) section 14, with respect to the register of inventions and the matters entered therein, and

(*c*) section 46, with respect to the performance by an agent of any act required or authorized by that Part to be done by a principal,

shall, so far as they can be made applicable, apply respectively, to—

(*a*) copies of drawings, photographs, or tracings accompanying an application for an order for the registration of a design in respect of which such an order has been made,

(*b*) the register of designs and the matters entered and documents referred to therein, and

(*c*) the performance by an agent of any act required or authorized by this Part to be done by a principal.

Sections 60-61.

60. (1) There shall be paid in respect of the several proceedings specified in the sixth schedule the fees in that schedule prescribed. Fees.

(2) The Government of Mysore may, if it thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise as the Government of Mysore may direct.

(4) A proceeding in respect of which a fee is payable under the sixth schedule shall be of no effect unless the fee has been paid.

61. The Government of Mysore may make such rules and prescribe such forms as it thinks necessary for carrying out the purposes of this Part, and may alter or amend the form in the fifth schedule. Rules and forms.

THE FIRST SCHEDULE.

ENACTMENT REPEALED.

(*See section* 2.)

Number and year.	Subject or title.	Extent of repeal.
I of 1879 ...	Indian Stamp Act, 1879 ...	Article 48, Schedule 1.

THE SECOND SCHEDULE.

APPLICATION WHERE PATENT OR EXCLUSIVE PRIVILEGE HAS NOT BEEN ACQUIRED.

(*See sections* 5 *and* 48.)

TO THE DEWAN of MYSORE.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Mysore Inventions and Designs Regulation, 1894.

1. The applicant is in possession of an invention for (*state the title of the invention*); he is the inventor thereof (*or, as the case may be*, the executor, administrator, or assign of the inventor); and, to the best of his information and belief, the invention is new within the meaning of Part I of the Mysore Inventions and Designs

Regulation, 1894, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention. (*Here state whether an application has or has not at any time been made for a patent, in the United Kingdom or an exclusive privilege in British India, by or on behalf of the applicant in respect of the invention, and if any such application has been made, describe the progress of that application, adding a reference to every place in the official patent journal, or Gazette of India, where mention of the application, or of any proceeding thereon, is made.*)

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists.*)

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Mysore Inventions and Designs Regulation, 1894.

(*Signature and verification.*)

THE THIRD SCHEDULE.

APPLICATION WHERE PATENT OR EXCLUSIVE PRIVILEGE HAS BEEN ACQUIRED

(*See sections* 5 *and* 48.)

TO—THE DEWAN OF MYSORE.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Mysore Inventions and Designs Regulation, 1894.

1. The applicant (*or, as the case may be, A .B. of whom the applicant is the executor, administrator or asssign*) has obtained a patent in the United Kingdom or acquired an exclusive privilege in British India dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention.*)

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I of the Mysore Inventions and Designs Regulation, 1894, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

Schedules.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists.*)

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Mysore Inventions and Designs Regulation, 1894.

(*Signature and verification.*)

THE FOURTH SCHEDULE.

FEES (*Inventions.*)

(*See sections* 8, 15 *and* 47.)

	Rs.	A.	P.
(1) In respect of an application for leave to file a specification (section 5)	... 10	0	0
(2) In respect of the filing of a specification (section 8)	... 30	0	0
(3) In respect of an extension of the time for filing a specification (section 8)	... 20	0	0
(4) In respect of the continuance of an exclusive privilege (section 8)—			
(*a*) after the filing of the specification and before expiration of the fourth year from the date of the filing thereof	... 50	0	0
(*b*) after the expiration of the fourth year and before the expiration of the fifth year from that date ...	... 50	0	0
(*c*) after the expiration of the fifth year and before the expiration of the sixth year from that date ...	... 50	0	0
(*d*) after the expiration of the sixth year and before the expiration of the seventh year from that date...	... 50	0	0
(*e*) after the expiration of the seventh year and before the expiration of the eighth year from that date ...	... 50	0	0
(*f*) after the expiration of the eighth year and before the expiration of the ninth year from that date ...	... 100	0	0
(*g*) after the expiration of the ninth year and before the expiration of the tenth year from that date ...	... 100	0	0
(*h*) after the expiration of the tenth year and before the expiration of the eleventh year from that date	... 100	0	0
(*i*) after the expiration of the eleventh year and before the expiration of the twelfth year from that date	... 100	0	0
(*j*) after the expiration of the twelfth year and before the expiration of the thirteenth year from that date	... 100	0	0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.			

Schedules.

	Rs.	A.	P
(5) In respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—			
(*i*) if the enlargement does not exceed one month ...	10	0	0
(*ii*) if the enlargement exceeds one month but does not exceed two months...	25	0	0
(*iii*) if the enlargement exceeds two months	50	0	0
(6) In respect of an application for an extension of an exclusive privilege for a further term (section 15)	50	0	0
(7) In respect of an order extending the term of an exclusive privilege (section 15)	100	0	0
(8) In respect of the continuance of an exclusive privilege of which the term has been extended (section 15) ...	100	0	0
to be paid before the expiration of each year of the extended term.			
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege or any part thereof short of the sum total, at any time before the same falls due.			
(9) In respect of an application for leave to file a memorandum or amended specification (section 18)	20	0	0
(10) In respect of a petition to the Government of Mysore for a compulsory license (section 42)	50	0	0
(11) For the inspection of any book or other document which is opened to inspection under Part I	1	0	0
(12) For copies—			
(*a*) when the number of words copied does not exceed four hundred	1	0	0
(*b*) for every hundred words in excess of four hundered ...	0	4	0
(*c*) of drawings or photographs ...	cost according to agreement.		
(13) For certifying copies— for every hundred words	0	2	0

THE FIFTH SCHEDULE,

APPLICATION FOR ORDER FOR REGISTRATION OF DESIGN.

(*See sections* 50 *and* 61.)

The application of (*here insert name, occupation and address*) for an order for the registration of a design under Part II of the Mysore Inventions and Designs Regulation, 1894.

1. The applicant claims to be the proprietor of the design of which the nature is hereinafter stated.

Schedules.

2. To the best of his information and belief, that design is within the meaning of Part II of the Mysore Inventions and ee-signs Regulation, 1894, a new and original design not previously published in the territories of Mysore.

3. Copies of (*drawings*), (*photographs*), (*tracings*) of the Design accompany this application.

4. The following is a statement of the nature of the design (*here describe its nature*).

5. The applicant therefore applies for an order for the registration of the design pursuant to Part II of the Mysore Inventions and Designs Regulation, 1894.

(*Signature.*)

THE SIXTH SCHEDULE.

FEES (*Designs*).

(*See section* 60.)

	Rs.	A.	P.
(1) In respect of an application for an order for the registration of a design (section 50)	10	0	0
(2) In respect of a mutation of names in the register of designs (section 55)	5	0	0
(3) For the inspection of any book or other document which is open to inspection under Part II	1	0	0
(4) For copies—			
(*a*) when the number of words copied does not exceed four hundred	1	0	0
(*b*) for every hundred words in excess of four hundred ...	0	4	0
(*c*) of drawings, photographs or tracings ...	cost according to agreement.		
(5) For certifying copies— for every hundred words	0	2	0